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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 BLAKE A. FIELD,
14 Plaintiff,
15 vs.
16 GOOGLE INC.,
17 Defendant.

No. CV-S-04-0413-RCJ-GWF

**GOOGLE INC.'S MOTION FOR
SUMMARY JUDGMENT**

18 AND RELATED COUNTERCLAIMS
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TABLE OF ABBREVIATIONS

1		
2	Brougher Decl.	Declaration of Bill Brougher in Support of Google Inc.'s Motion for Summary Judgment, filed concurrently with this motion.
3		
4	Field Depo.	Transcript from the deposition of Blake A. Field, taken on June 9, 2005 (excerpts attached as Ex. 1 to the O'Callaghan Decl.).
5		
6	Levine Decl.	Declaration of Dr. John R. Levine in Support of Google Inc.'s Motion for Summary Judgment, filed concurrently with this motion.
7		
8	Levine Report	Expert Report of Dr. John R. Levine (attached as Ex. 1 to the Levine Decl.).
9		
10	Macgillivray Decl.	Declaration of Alexander Macgillivray in Support of Google Inc.'s Motion for Summary Judgment, filed concurrently with this motion.
11		
12	O'Callaghan Decl.	Declaration of William O'Callaghan in Support of Google Inc.'s Motion for Summary Judgment, filed concurrently with this motion.
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NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

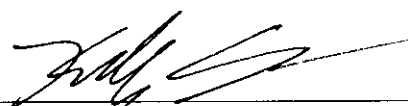
PLEASE TAKE NOTICE that as soon as counsel may be heard, before the Honorable Judge Robert C. Jones, defendant Google Inc. ("Google") will and does hereby move this Court pursuant to Federal Rule of Civil Procedure 56 for summary judgment that (1) Plaintiff Blake A. Field has failed to prove that Google infringed any of his copyrighted works; (2) Field granted Google an implied license to copy and distribute his copyrighted works; (3) Field is estopped from asserting his copyright infringement claim against Google; and (4) Google's alleged infringement is a non-infringing fair use.

This motion is made pursuant to Federal Rule of Civil Procedure 56. Google bases this motion upon this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities, and the accompanying Declarations of Bill Brougher, Dr. John R. Levine. Alexander Macgillivray and William O' Callaghan, filed concurrently with this motion.

Dated: November 7th, 2005

SNELL & WILMER L.L.P.

By:


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Attorneys for GOOGLE INC.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing **GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT** was served this 27 day of September, 2005, by placing same in the United States mail, postage prepaid, addressed to the following:

Blake A. Field
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CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT was served this 3 day of November, 2005, by placing same in the United States mail, postage prepaid, addressed to the following:

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